HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.35270 of 1998

Dated:06.06.2007

Between:

APSRTC represented by its Managing Director, Mushirabad, Hyderabad.

…Petitioner.

and

State Transport Appellate Tribunal, Hyderabad. and others.

…Respondents

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ORDER:

The 3rd respondent filed an application, before the 2nd respondent, for grant of pucca permit, on a route from Kanigiri to Mogallur, all weather route. According to him, the length of the route is 13.8 kms., and overlapping, on the notified route, is 7.4 kms. APSRTC, the petitioner herein, raised an objection for grant of permit. It pleaded that the length of the route is 15 kms., and overlapping is 9 kms. Relying upon G.O.Ms.No.307, dated 13.02.1987, the petitioner pleaded that since the overlapping is more than 8 kms., the permit cannot be granted to the

3rd respondent. Overruling the objection raised by the petitioner, the 2nd respondent granted permit to the 3rd respondent, through proceedings, dated 12.02.1992.

Petitioner preferred revision before the 1st respondent, against the order passed by the 2nd respondent. The revision was dismissed on 21.04.1998. Hence, this Writ Petition.

Heard learned counsel for the petitioner and learned Government Pleader for Transport.

The petitioner raised a pure question of fact, before respondents 1 and 2 as well as before this Court. It is not in dispute that overlapping, above 8 kms., on a notified route, is prohibited for any pucca permit to be granted in favour of a private individual. On an objection raised by the petitioner herein, the 2nd respondent verified the route and was satisfied that the overlapping was less than 8 kms. The objection raised by the petitioner, even as regards the length of the route, was also overruled. On a detailed consideration of the plea raised by the petitioner, the

1st respondent was also specified that the overlapping did not exceed 8 kms. This Court is not inclined to interfere with the same.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

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Dt.06.06.2007 **L.NARASIMHA REDDY, J**

GJ